



Montgomery County Lodge 35, Inc.

February 12, 1993

3-93
P
Honorable Marilyn Praisner
President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850



MF
016326

RE: Emergency Bill 3-93, *Collective Bargaining - Process and Deadlines.*

Dear President Praisner:

On behalf of MCGEO Local 400, IAFF Local 1664 and FOP Lodge 35, I am submitting the following comments regarding Bill 3-93 *Collective Bargaining - Process and Deadlines.*

Emergency Bill 3-93 would amend sections of both the Police Labor Relations Law (Chapter 33, §33-80) and the County Collective Bargaining Law (Chapter 33 §33-108.) The amendments were prompted by a Charter amendment passed in the November 1992 General Election. As you know, all three unions participated on a summer work group and supported the Charter amendment then and later during the election. Our expectation at that time was that the two collective bargaining laws would be changed to adjust the respective dates for Council action/approval. However, the proposed legislation goes much further, hence our objection.

With one suggestion explained *infra*, we support the "conforming" changes proposed, i.e. date changes. It is the other "technical [and] stylistic" amendments we find objectionable. The existing laws were the subject of considerable Council debate and discussion when they were first written. Indeed, I was present during all work sessions on the Police Labor Relations Law and recall that every word was scrutinized, considered and carefully put into context. Moreover, there have been few problems with the other sections designated for "technical" and "stylistic" amendment and all the parties know, in practice, what existing laws mean. In addition, we have printed copies of these laws and trained our stewards and officials in them. While it is quite simple to issue an addendum to existing copies changing the Council action dates with a reason for the change, our task is much more complex and costly in terms of printing, resources, and time when other changes are made.

Of great concern to us is the insertion of the word "sufficient" before funds in both laws. This is a major change and is contrary to the spirit and intent of the Charter amendments which require these laws. And this change would create a conflict between existing law and Lodge 35's contract which expires on June 30, 1994. Sections 33-80(g) and 33-108(j)(2). Also, the provisions for "majority vote" were carefully considered in earlier Council work sessions. Sections 33-80(d) and 33-108(i). We do not know the true meaning of these changes or the effect they will have.

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It is also pointed out that arbitrators, the County Labor Relations Administrator, the Police Permanent Umpire, and union and County officials are familiar with current law and suggest that the unnecessary changes may create considerable confusion. And provisions proposed for change relate to other sections not considered by this bill. See, for example, §33-80(d) establishing a specific date for the end of bargaining. This date sets the framework for bargaining and serves to promote good faith negotiations. When the parties commence bargaining on November 1, they do not know when, or if, impasse will result. But, prior to November 10, an impasse neutral is selected and must "be available during the period January 20 to February 1." Cf. §33-81(a) and (b)(1).

Penultimately, if the dates for submission to Council are to be changed by 16 days for the County Collective Bargaining Law and six days for the Police Labor Relations Law, the dates for extended negotiations should be moved beyond the May 10 date in the proposed County Collective Bargaining Law and the existing Police Labor Relations Law. This suggestion is consistent with the Charter amendment.

Finally, while the date change may be legitimate reason for emergency legislation, we see no emergency in the need to make other changes, and note that while the Personnel Director was not emphatic in his testimony on behalf of the County Executive, he did state that the Executive supports the date changes. He did not testify in support of any other changes.

MFP and Council consideration of these comments will be greatly appreciated.

Sincerely,



Walter E. Bader
President

2/15/93

cc: Lanny Pippin
Gino Renne